

PATENT

Docket No.: DC-01690 (16356.431)

Customer No. 000027683

REMARKS

Claims 1, 3-4, 6, 8-10, 12-13, 15, and 17-18 remain in the application. Reconsideration of the application, further in view of the following remarks, is respectfully requested.

Rejection[s] under 35 U.S.C. § 102

Claims 1, 3-4, 6, 8-10, 12-13, 15, and 17-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Henson, U.S. Patent No. 6,167,383 ("Henson").

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claims 1 and 10, to sustain this rejection the Henson patent must contain **all** of the above claimed elements of the respective claims. As presented, claims 1 and 10 clearly articulate the claimed embodiments as distinguished over Henson. Contrary to the examiner's position that all elements are disclosed in the Henson reference, the latter reference **does not disclose an interactive upsell advisor** that provides **an upgrade now user selectable cart option** on the cart web page, wherein responsive to **selection** of the **upgrade now user selectable cart option of the upsell advisor**, the **upsell advisor updates** the customer configured computer system configuration **per the upsell recommendation and** provides a **price reflecting acceptance of the upsell** to the cart webpage.

In other words, the upsell recommendation can be directly accepted by a user via selection of the upgrade now user selectable cart option of the interactive upsell

PATENT

Docket No.: DC-01690 (16356.431)

Customer No. 000027683

advisor. Selecting the upgrade now user selectable cart option causes the upsell advisor to directly change the customer configured computer system configuration to include that of the upsell recommendation. As a result, no additional user intervention is required to change the configuration into that of the upsell recommendation. In contrast, the merchandising messaging of Henson provides informational content only and requires the user to edit the configuration via an EDIT selection and additional steps.

Therefore, the rejection is clearly not supported by the Henson reference and should be withdrawn.

Accordingly, claims 1 and 10, are allowable and an early formal notice thereof is requested. Dependent claims (3, 4, 6, 8 and 9) and (12, 13, 15, 17, and 18) depend from and further limit independent claims 1 and 10, respectively, and therefore are allowable as well.

PATENT
Docket No.: DC-01690 (16356.431)
Customer No. 000027683

Accordingly, withdrawal of the final action and an early Notice of Allowance is
courteously solicited.

Respectfully submitted,

Michael J. Baldoni-Lamica

Michael J. Baldoni-Lamica
Registration No. 34,291

Dated: 1/21/03

HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8421
Facsimile: 512/867-8622
File: 16356.431 (DC-01690)
A-143970.1

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:	
Fax Number: (703) 305-7687	
<u>Julie Schwartz</u>	
TYPE OR PRINT NAME	
<u>Julie Schwartz</u>	
SIGNATURE	
<u>01/21/03</u>	
DATE OF TRANSMISSION	